

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1118 be amended to read as follows:

- 1           Page 13, between lines 16 and 17, begin a new paragraph and insert:  
2           "SECTION 29. IC 7.1-3-5-3 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The holder of a  
4           beer dealer's permit shall be entitled to purchase beer for sale under the  
5           permit only from a permittee entitled to sell to a beer dealer under this  
6           title.  
7           (b) A beer dealer shall be entitled to possess beer and sell it at retail  
8           to a customer in permissible containers only.  
9           (c) A beer dealer may not sell beer by the drink nor for consumption  
10          on the licensed premises nor shall a beer dealer allow it to be consumed  
11          on the licensed premises.  
12          (d) Except as provided in subsection ~~(c)~~, (f), a beer dealer shall be  
13          entitled to sell beer to a customer and to deliver it in permissible  
14          containers to the customer on the licensed premises, or to the  
15          customer's residence or office.  
16          **(e) This subsection does not apply to a package liquor store.**  
17          **Beer shall be displayed in a designated area separated from the**  
18          **area where nonalcoholic retail merchandise is displayed. A minor**  
19          **may not enter the designated area without a parent or guardian**  
20          **who is at least twenty-one (21) years of age. The designated area**  
21          **shall be monitored by an employee who, as part of the employee's**  
22          **job responsibilities, shall ensure that a minor does not enter the**  
23          **designated area without a parent or guardian who is at least**  
24          **twenty-one (21) years of age.**  
25          (f) A beer dealer shall not be entitled to sell and deliver beer on the  
26          street or at the curb outside the licensed premises, nor shall a beer  
27          dealer be entitled to sell beer at a place other than the licensed  
28          premises. A beer dealer shall not be entitled to sell beer and deliver  
29          beer for carry-out, or for delivery to a customer's residence or office, in  
30          a quantity that exceeds eight hundred sixty-four (864) ounces in a  
31          single transaction. However, notwithstanding IC 7.1-5-10-11, a beer

dealer who is licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell and deliver warm or cold beer for carry-out, or for delivery to a customer's residence, office, or a designated location in barrels or other commercial containers that do not exceed two thousand sixteen (2,016) ounces per container. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

~~(c)~~ (g) Unless a beer dealer is a grocery store or drug store, a beer dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A beer dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a patron who is outside the licensed premises."

Page 15, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 34. IC 7.1-3-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to a liquor dealer under this title.

(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package to a customer only for consumption off the licensed premises.

**(c) This subsection does not apply to a package liquor store. Liquor shall be displayed in a designated area separated from the area where nonalcoholic retail merchandise is displayed. A minor may not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age.**

~~(c)~~ (d) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time. However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

~~(d)~~ (e) A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises."

Page 17, between lines 8 and 9, begin a new paragraph and insert:  
 "SECTION 37. IC 7.1-3-15-3 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The holder of a  
 wine dealer's permit shall be entitled to purchase wine only from a  
 permittee who is authorized to sell to a wine dealer under this title. A  
 wine dealer shall be entitled to sell wine for consumption off the  
 licensed premises only and not by the drink.

**(b) This subsection does not apply to a package liquor store. Wine shall be displayed in a designated area separated from the area where nonalcoholic retail merchandise is displayed. A minor may not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age.**

~~(b)~~ (c) A wine dealer shall be entitled to sell wine in permissible containers in a quantity of not more than three (3) standard cases, as determined under the rules of the commission, in a single transaction. However, a wine dealer who is licensed under IC 7.1-3-10-4 may possess wine and sell it at retail in its original package to a customer only for consumption off the licensed premises.

~~(c)~~ (d) Unless a wine dealer is a grocery store or drug store, a wine dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A wine dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a person who is outside the licensed premises.

~~(d)~~ (e) However, a wine dealer who is licensed under IC 7.1-3-10-4 may deliver wine only in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee

1 permit. The permit holder shall maintain a written record of each  
2 delivery for at least one (1) year that shows the customer's name,  
3 location of delivery, and quantity sold."

4 Renumber all SECTIONS consecutively.

(Reference is to EHB 1118 as printed February 22, 2008.)

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Senator DELPH